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Attorneys for Defendant Subaru of America, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

**Allan Zaback, Brent Garrett, James Jones,
Randy Robbie, and Brittany Funk,
individually and on behalf of all others
similarly situated,**

Plaintiffs;

v.

Subaru of America, Inc.,

Defendants.

Case No. 1:20-cv-02845-RBK-JS

**Stipulated Consent Order to Consolidate
and Set Briefing Schedule**

Defendant, Subaru of America, Inc. (“SOA”), on behalf of, and with the consent of Plaintiffs (collectively, the “Parties”), hereby make this application pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure and Magistrate Judge Schneider’s Orders consolidating actions and appointing interim co-lead class counsel under the docket of *Powell v. Subaru of America, Inc.*, No. 19-19114-NLH-JS (D.N.J.) (ECF Nos. 25–26) for the consolidation of this action (the “Zaback claims”) with the *Powell* action.

The Parties have conferred and agree that the *Zaback* claims are related to the *Powell* action and involve similar allegations of law and fact concerning the alleged defect in the Class Vehicles. The Parties agree that Magistrate Schneider's January 29, 2020 Order entered in the *Powell* action (ECF No. 26) applies to this action and that under paragraph 4 of that Order, the *Zaback* claims should be consolidated with the *Powell* action.

The Parties further stipulate that Defendant shall have until May 13, 2020, to file a supplemental motion to dismiss applicable to the *Zaback* claims, not to exceed 20 pages in 12-point nonproportional font, with the intent that such motion will be decided along with the previously filed motion to dismiss in *Powell*. Plaintiffs in the consolidated *Powell* action will have until May 28, 2020, to file a consolidated opposition brief to SOA's and Subaru Corporation's previously filed motion to dismiss and the supplemental motion concerning the *Zaback* claims, not to exceed 50 pages in 12-point nonproportional font. Defendants will have until June 15, 2020, to file a consolidated reply brief in response to Plaintiffs' consolidated opposition brief.

STIPULATED AND AGREED on April 28, 2020.

s/Michael Wenkowitz

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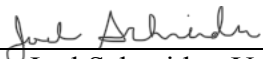
Interim Co-Lead Counsel in *Powell*
consolidated action

ORDER

This Court has considered the attached stipulation, and for good cause shown,

IT IS ORDERED that:

1. This action is consolidated for all purposes under the docket of *Powell v. Subaru of America, Inc.*, No. 1:19-cv-19114-NLH-JS. The Clerk of the Court shall close the *Zaback* case.
2. Defendant shall file a supplemental motion to dismiss, not to exceed 20 pages in 12 point non-proportional font, addressing the claims asserted in the *Zaback* action by May 13, 2020;
3. Plaintiffs shall file a consolidated opposition brief, not to exceed 50 pages in 12 point non-proportional font, addressing all of Defendants' motion to dismiss arguments by May 28, 2020; and
4. Defendants shall file their reply brief in further support of their motions to dismiss by June 15, 2020.



Text Hon. Joel Schneider, U.S.M.J.

Dated: _____ April 29, 2020